

ORMAT

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Box Non-Fee Amendment  
Attorney Docket No. 15155

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

Y. Bronicki et al.

Serial No.: 09/627,166

Group Art Unit: 1732

Filed: July 27, 2000

Examiner: M. Theisen

For: METHOD OF AND APPARATUS FOR PRODUCING PELLETS FROM  
HEAVY HYDROCARBON LIQUID

DECLARATION UNDER 37 C.F.R. 1.131

Commissioner for Patents  
Washington, D.C. 20231

Sir:

NOW COMES the undersigned and declare that:

1. I, the undersigned, am the Head of the Intellectual Property Department at ORMAT INDUSTRIES LTD., the assignee of the present application.

2. The following facts show completion of the presently claimed invention in the United States of America, on a date prior to the seventeenth (17<sup>th</sup>) day of April TWO-THOUSAND (2000), which date is, upon information and belief, the publication date of "New Pelletizer Makes Higher-Value Fuel From Resid," in the Oil and Gas Journal.

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2. I drafted the application in question early in the year 2000.

3. I received a facsimile memorandum from Philip Rettger, one of the named inventors, a copy of which is attached herewith and made part of this affidavit as the Exhibit. The corresponding facsimile bears one or more dates which have been removed and are not shown on the Exhibit. Each of the dates was prior to the Oil & Gas Journal publication date.

4. The memorandum references a draft application that I had prepared and forwarded to Mr. Rettger for his review. As can be seen by the memorandum, conceptual basis for an apparatus and method for producing asphaltene pellets is provided. In particular, the memorandum indicates the formation of the pellets, the formation of the slurry and the transportation thereof, as is claimed in independent claims 1 and 7.

5. The material written on the originals corresponding -- to the Exhibit was written in the United States of America.

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6. All statements made herein of my own knowledge are true.  
All statements made herein upon information and belief are believed  
to be true. I understand that willful false statements and the  
like are punishable by fine or imprisonment, or both, under the  
provisions of 18 U.S.C. 1001, and may jeopardize the validity of  
the application or any patent issuing therefrom.

7. Further, declarant sayeth naught.

8. WITNESS my signature below in the indicated date.

November 6, 2002  
Date

Yona R. Beck

# EXHIBIT

Sent By: OPTI-USA;  
To: OIL YAVNE

At: 011-972-89-439-901 925 283 5015;

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ORMAT PROCESS TECHNOLOGIES, INC.  
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LAFAYETTE, CA 94549  
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## FACSIMILE TRANSMITTAL SHEET

TO:	FROM:
YONA BECK; YORAM	<del>Yona Beck</del> PHIL
COMPANY:	DATE:
FAX NUMBER:	TOTAL NO. OF PAGES INCLUDING COVER: 2

NOTES/COMMENTS:

X1 (925 283 5015)  
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TO: Yona Beck, Yoram Bronicki

FROM: Phil Rettger

Here is another copy of what I sent on Feb. 6, 2000. I wanted to be clear that this information is confidential and proprietary.

My comments on your draft of the palletizing patent:

1. I think the invention should be limited to asphaltenes, as I do not think it will work on residual fuel oil.
2. I received your voice mail message, but it would seem to be easier to start the descriptions with asphaltenes and leave out the entire refinery that is at the front end. You could reference several prior cases for the background on where asphaltene come from.
3. My main point is that I think the first claim is a means for making the pellets, without a requirement that they be transported as a slurry. We should be allowed to make them, separate them from the water, and transport them as dry or wet (but not in a slurry) pellets, and still be covered. (Look at what Geva built, including the auger conveyor.) From this base, additional claims can be written to include not doing the separation from the water and transporting them in the slurry.
4. Your drawing does not agree with the current layout. I am not sure if yours is more generic or more restrictive.
5. Some additional claims for consideration:
  - a. The addition of surfactant or other chemicals to the water to aid in separating the asphaltenes from the water (Either those floating on the top, or those that are difficult to settle out.)
  - b. Having the contact between the asphaltenes and the water jet occur below the surface of a water bath rather than above. (This has been tried and did not work well, but I think we should still cover it.)
  - c. Collecting and gas released from the asphaltenes in the process and directing that gas to a refinery process unit, heater, or stand-alone incinerator to destroy the organic vapors.

Also, I do not recall if Bob Friday is on this patent or not. If he is can you send him your next draft.